

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



October 23, 1978

Application No. 12736 of the National Bank of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under paragraph 7614.13 to permit the use of part of an arcade as an outdoor cafe in conjunction with an existing restaurant in the C-3-A District at premises 4340 Connecticut Avenue, N. W., Square 1965, Lot 4.

HEARING DATE: September 20, 1978

DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject site is located in the C-3-A District at the southwestern corner of the intersection at Yuma Street and Connecticut Avenue, N. W., Square 1965, Lot 4.

2. The frontage on Connecticut Avenue at the subject location is developed with compatible commercial uses such as a Safeway grocery store, drug store, furniture store and other retail uses. The subject location is also in the immediate vicinity of the University of the District of Columbia (Van Ness Campus site.)

3. The existing building and arcade was approved by the Board under Board of Zoning Adjustment Order No. 11835 dated January 25, 1975.

4. The subject building is being used by the office facilities of the National Bank of Washington with some retail facilities and a restaurant on the first floor facing Yuma Street.

5. The applicant in this case seeks special exception relief to permit use of part of the arcade along the Yuma Street frontage for seasonal outdoor seating to serve the existing Fiddler's Restaurant, which occupies all adjacent space in the building. A restaurant is permitted as a matter of right in the C-3-A Zone.

6. The portion of the arcade which is the subject of the present application is essentially limited to use for patrons of Fiddler's Restaurant by virtue of the entrances being located at the rear of the arcade and by virtue of the general access to

the arcade. Fiddler's Restaurant occupies all the interior space adjacent to the arcade.

7. The specific proposed use would consist of twenty four tables located on private property within the arcade to be arranged in such a manner so as to provide a minimum of four feet of pedestrian passageway through the arcade with a maximum seating capacity of eighty-five persons. Estimated restaurant personnel within the space would be four to five people.

8. The applicant proposes to leave a clear aisle width of four feet within the arcade for pedestrian passage.

9. The hours of operation for the restaurant would be from 11:30 a.m. to 11 p.m. weekdays, from 11:30 a.m. to 1 a.m. Friday and Saturday, from 5 p.m. to 11 p.m. on Sundays.

10. The peak period at the restaurant is from 7 p.m. to 11 p.m. Approximately eighty percent of the patrons during the luncheon hour are walk-in-patrons many from the building in which the restaurant is located. In the evening hours, approximately thirty percent of the diners are walk-ins.

11. The cafe will be separated from Yuma Street by existing permanent brick planters and will not interrupt pedestrian movement along the sidewalk, which is fifteen feet wide. The arcade is also located below the level of the sidewalk.

12. The Municipal Planning Office, by report dated September 14, 1978, recommended the approval of the application on the grounds that the proposed outdoor cafe will provide an added convenience in the area and will not adversely affect the character and purpose of the arcade for pedestrian convenience and open space. The Municipal Planning Office also recommended that the application be approved provided the aisle space is sufficiently wide to allow continuous pedestrian movement. The Board so finds.

13. Advisory Neighborhood Commission 3F took no position on the case.

14. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the arcade which is the subject of this application is located entirely within a C-3-A zone in which the restaurant use is permitted as a matter of right. The Board concludes that the size and character of the proposed use is consistent with the purposes of the arcade section of the Zoning Regulations. The Board also concludes that the proposed use will be designed in such a manner, as to allow continued pedestrian use of the arcade through the provision of a minimum four foot clear aisle. The Board concludes that the proposed use is consistent with the design of the building and that the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps. ACCORDINGLY, it is ORDERED that the application is GRANTED subject to the following conditions:

(1) The use of the arcade for restaurant purposes shall be limited to the Yuma Street side of the building and shall not extend past the front of the first floor of the building on the Connecticut Avenue side, as shown in Exhibit 3 of the record.

(2) There shall be provided a continuous, permanently clear and unobstructed aisle having a minimum width of four feet.


(3) The outdoor cafe shall also comply with all of the requirements set forth by the Public Space Committee as applicable to outdoor cafes in the C-3-A District.

(4) The conditions of the Order shall be binding upon the owner of the property, as well as the operator of the restaurant.

VOTE: 5-0 (Charles Norris, William McIntosh, Chloethiel Woodard Smith, Walter Lewis and Leonard McCants to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER,
Executive Director

FINAL DATE OF ORDER: 24 OCT 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER: